

## REMARKS

As an initial matter, the Applicant and his attorney would like to thank the Examiner for her time and courtesy during the tele-conference held on February 14, 2008. The Examiner indicated that the enclosed amendments would receive favorable consideration during examination.

The Examiner rejected pending Claims 12 and 22-24 under 35 U.S.C. § 103 as being un-patentable over Lin (U.S. Patent No. 6,091,597), Larsen (U.S. Patent No. 3,362,711) Henderson et al. (U.S. Patent No. 3,998,459) and Strodtman (U.S. Patent No. 5,287,255). Claims 22-24 have been withdrawn leaving Claim 12 the only claim presented for consideration.

Claim 12 was amended to more clearly define the invention of the present application. Claim 12 makes clear that the claimed first and additional tube sections are made of a non-conductive material. This is an important feature of the present invention as the first and second conductive leads extend along the exterior of the tube sections and electrically connect to the probe. The electrical connection can, of course, occur at the juncture between the first and second conductive leads. In any event, if the material of construction of the tube sections were conductive, the circuit would “short” and not permit conduction of electricity. Also, the non-conductive material of construction excludes most metals which would cause and unnecessary increase in weight. One of the stated objects of the present invention is to create a non-lethal weapon. If the present invention were to have the weight (and rigidity) from metal construction, it could be used as a lethal weapon. In other words, the stun gun of the present invention, in the unlikely event it ever fell into the wrong hands, could not be used as a lethal weapon. This makes

the device particularly useful to air marshals for example who would not be subject to potentially lethal force being used against them in an emergency situation in flight. Such is not the case with any baton or other heavy weapon made of the heavier conductive materials.

This feature is in sharp contrast to the prior art where metal and other conductive material is used such as Strodtman cited by the Examiner. Strodtman in fact discloses a metal housing (Column 4, Lines 20-21). Because the issues of non-lethality and short circuiting were not a concern to Strodtman, it would not have been obvious to combine the features of Strodtman with features of other art. Further, because Strodtman teaches a metallic housing, it teaches away from the features of Claim 12.

The tube sections are also non-keyed which is in sharp contrast to prior art such as Lin. Lin requires the tube sections to be in alignment so that the permittivity of the sections would remain equal. As presently claimed, one of the tube sections nests within the other tube section. When extended the proximal end of the additional tube section frictionally locks with the distal end of the first tube section. Further, as claimed in the present claim 12, the conductive leads are not position dependent on the tube sections and the tube sections are not required to be oriented in any particular manner when in the extended position for the electrical connection to occur between the step-up circuit, through the conductive leads and to the probe. Lin's heavy reliance on the position and orientation of the tube sections renders Lin useless as a reference to teach the features of non-keyed tube sections of the present invention.

Finally, Claim 12 has been amended to claim at least two conductive leads on each tube section. As noted above the tube sections are not dependent on their

orientation when they are in the extended position. Further the conductive leads in order to connect electrically to the probe also are not dependent on their location on the tube sections or their orientation with respect to the conductive leads on the adjacent tube sections. This is in sharp contrast to the art cited by the Examiner, i.e., Lin, where the tubes are keyed in order to maintain alignment and permit conduction between tube sections.

It is respectfully submitted that the claims presently pending in the captioned application define allowable subject matter in view of the amendments and remarks herein. An early and favorable notice to that effect is earnestly solicited.

*Respectfully Submitted,*

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